

**City of Greensboro
North Carolina**

**Greensboro Minimum Housing
Commission Meeting**

REGULAR MEETING

1:30 P.M.

October 13, 2009

Commission Members Present:

Larry Standley, Chairman
Jeff Nimmer
Tim Vincent
Wayne Stutts
Jim Burgess

Staff Present:

Wanda Hovander, Inspector
Mike Williams, Esq., City Attorney
Mary Lynn Anderson, City Attorney's Office
David Jones, Chief Building Inspector
Julius Register, Ordinance Enforcement Supervisor
Dan Reynolds, Manager of Inspections Division
Don Sheffield, Commercial Demolitions
Roddy Covington, Inspector
Roy McDougal, Inspector

Staff and persons from the audience were sworn as to their testimony in the following matters for this meeting.

Chair Standley informed members that Item 3, 1009 Pichard Street, would be delayed until the end of the meeting due to a scheduling conflict.

1. APPROVAL OF MINUTES FROM AUGUST 11, 2009 MEETING:

Mr. Burgess moved to approve the minutes from the August 11, 2009 meeting, seconded by Mr. Vincent. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

New Cases:

2. 913 Union Street – (TMN 57-6-1) Pedro, Mariana & Mario Carreno, Owners – In the Matter of Order to Repair, Alter or Improve the Structure. Inspectors Chris Jones & Hovander. (INSPECTOR UPHELD)

Inspector Hovander stated that 913 Union Street is not part of a duplex or apartment complex. The case is being submitted as less than 50 percent damaged. A title search was completed in July of 2009. The date of the inspection was May 15, 2008 and all parties were notified by certified mail. The date of the hearing was November 24, 2008. No one appeared for the hearing. The order was issued November 24, 2008 and expired December 29, 2008. The last date of visual inspection was October 7, 2009 by Inspector Hovander. The City did have to order the building secured and it was secured in July, 2009 by the City. There has been no problem with the property being open since it was secured. There are children in the area but there is no school nearby. There is no history of

police complaints and in the opinion of the Inspector the owner has abandoned the intent to repair the property.

Mr. Stutts conferred with Counsel Williams and stated that he owns the property located next to 913 Union Street. He went on the record stating that he could make a decision on the matter without bias.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was October 7, 2009; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information as stated.

Inspector Hovander stated that the list of violations include building code violations that have been referred to the building inspector; electrical code violations referred to the electrical inspector; exterior structural members incapable of supporting imposed loads; foundation walls cracked or broken; interior structure is in disrepair; interior structure is structurally unsound; interior structure is unsanitary; interior surfaces have cracked or loose plaster; interior walking surface in unsound condition or disrepair; kitchen sink not provided; lavatory not provided; mechanical code violations, referred to trade inspector; plumbing code violations, referred to trade inspector; single station smoke alarms required in existing dwelling unit; water closet not provided; windows, skylights, doors or frames unsound, in disrepair, or not weather tight.

Inspector Don Sheffield visited the property October 7, 2009 and observed that the building was being held up by two by fours stacked up on stack blocks and some already appeared cracked. There was a footing that was only eight inches wide that had not been inspected. A permit was issued to repair the footing in December of 2008. He stated he would not feel safe crawling under the building to complete an inspection to look at anything that couldn't be viewed from the exterior.

There was no one present wishing to speak on the property.

Mr. Burgess moved to uphold the Inspector, seconded by Mr. Vincent. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

Chair Standley stated that the property involved in this matter is located at 913 Union Street in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

Therefore it is **Ordered, Resolved** and **Decreed** by vote of the Commission that the Inspector is upheld.

3. **2400 Phillips Avenue – (TMN 195-3-1) – Heirs of Bessie K. Grier, Owner – In the Matter of Order to Repair, Alter or Improve the Structure. Inspectors McDougal & Hovander. (INSPECTOR UPHELD)**

Inspector Hovander stated that 2400 Philips Avenue is not part of a duplex or apartment complex. The case is being submitted as less than 50 percent damaged. A title search was completed in September of 2008. The date of the inspection was February 16, 2005 and all parties were notified by certified mail. The date of the hearing was May 27, 2009. No one appeared for the hearing. The order was issued June 5, 2009 and expired July 6, 2009. The last date of visual inspection was October 9, 2009 by Inspector Hovander. The City did have to order the building secured and it was secured in February, 2009 by the City. This has been a repeat problem. There are children in the area and there is no school nearby, although Peeler Recreation Center is located around the corner. There is also a bus stop beside the house. There is a history of police complaints and in the opinion of the Inspector the owner has abandoned the intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was October 9, 2009; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information as stated.

Inspector Hovander stated that the list of violations includes broken glass pane; ceiling finish susceptible to falling; cover plate cracked, missing, or loose; doors inadequately screened; electrical power not on at time of inspection; entrance door weather permeable-exterior; flooring worn through; hanging/loose fixture; heating equipment inoperable; hole in roof covering; holes in ceiling; inoperable plumbing fixture; inoperable UL listed smoke detector; insect/rodent infestation; leaking roof covering; loose floor covering; loose material on interior wall/partition; make windows operable; missing UL listed smoke detector; obstructed or unsafe exit to street or grade level; privacy lock missing from required interior door; rotted boards on exterior wall; rotted ceiling joists; toilet/bathing facilities open; unclean/unsanitary fixtures, ceiling, floors, walls; untreated deteriorative surface; walls around tubs to be impervious to water; water closet loose; weather permeable exterior wall/siding; windows inadequately screened.

Chair Standley asked if there was any one present wishing to speak on this property.

John Morgan, 609-B Eugene Court, is the attorney representing the executor of the estate, Paula Townsend. He went on the record stating that there are five heirs of the estate and several of the heirs have made attempts to purchase this property. Ms. Townsend is one of the five heirs and she has kept the property up over the years although it was not her personal responsibility. All of the heirs are aware of the state of disrepair of this property. Mr. Morgan stated that he will notify the heirs of the Commission's decision and inform them of the time frame required for action to save the property.

Mr. Burgess moved to uphold the Inspector, seconded by Mr. Vincent. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

Chair Standley stated that the property involved in this matter is located at 2400 Phillips Avenue in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

Therefore it is **Ordered, Resolved** and **Decreed** by vote of the Commission that the Inspector is upheld.

4. 1222 Summit Avenue – (TMN 257-3-1) – Manley R. Nolan, Owner – In the Matter of Order to Repair, Alter or Improve the Structure. Inspectors McDougal & Hovander. (INSPECTOR UPHELD)

Inspector Hovander stated that 1222 Summit is not part of a duplex or apartment complex. The case is being submitted as less than 50 percent damaged. A title search was completed in August of 2009. The date of the inspection was April 7, 2009. The date of the hearing was May 4, 2009. No one appeared for the hearing. The order was issued June 5, 2009 and expired July 6, 2009. The last date of visual inspection was October 8, 2009 by Inspector Hovander. The City did have to order the building secured and the owner secured it in April of 2009. This has not been a repeat problem. There are children in the area and McIver Elementary School is nearby. There is no history of police complaints and in the opinion of the Inspector the owner has abandoned the intent to repair the property.

Mr. Stutts conferred again with Counsel Williams and stated that he owns the property located behind 1222 Summit Avenue. He went on the record stating that he could make a fair and unbiased decision on this matter.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was October 8, 2009; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information as stated.

Inspector Hovander stated that the list of violations includes damage by fire, wind, or other causes rendering the building unsafe; exterior stairways, decks, porches, or balconies structurally unsound (interior of house destroyed by fire); back stairs of house in disrepair, pulling away from foundation; front concrete steps sinking on one side; exterior surface not maintained in good condition; vinyl siding damaged by fire; all interior violations need to be corrected because of fire major damage; windows, skylights, doors or frames unsound, in disrepair, or not weather tight; windows destroyed by fire.

Counsel Williams received a phone call from Manley Nolan who stated his intention to either sell the house or have it torn down. He requested 120 days to tear down the house. Inspector Hovander spoke with Mr. Nolan on the phone and he indicated the same intention to her.

There was no one present wishing to speak on the property.

Mr. Burgess moved to uphold the Inspector, seconded by Mr. Nimmer. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

Chair Standley stated that the property involved in this matter is located at 1222 Summit Avenue in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby

concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

Therefore it is **Ordered, Resolved** and **Decreed** by vote of the Commission that the Inspector is upheld.

Continued Cases:

5. 409 East Whittington Street – (TMN 17-11-11) – Johnny M. & Kathryn H. Humble, Owners – In the Matter of Order to Repair or Vacate and Demolish Structure. Continued from the July 14, 2009 Housing Commission Meeting. Inspectors Covington & Hovander. (CONTINUED UNTIL DECEMBER, 2009 MEETING)

Inspector Hovander stated that 409 East Whittington Street is a continued case and the property is not part of a duplex or apartment complex. The case was originally submitted as greater than or equal to 50 percent damaged; however, some repairs have been made. A title search was completed in January of 2008. The date of the inspection was September 5, 2005 and all parties were notified by certified mail. The date of the hearing was October 22, 2008. No one appeared for the hearing. The order was issued October 22, 2008 and expired November 21, 2008. The last date of visual inspection was October 12, 2009 by Inspector Hovander. The City did not have to order the building secured. There are children in the area and an elementary school is located a few blocks away. There is no history of police complaints and in the opinion of the Inspector the owner has abandoned the intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was October 12, 2009; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information as stated.

Inspector Hovander read the list of violations into the record at the July 14, 2009 meeting. There are still more than five violations remaining in items such as broken windows, inoperable smoke detectors, rotten boards and gas not turned. The electricity is still not on after having been turned off for over a year. The owner must have an electrical permit and inspection before the electricity can be turned back on. Electricity is required to make repairs on the bathroom floor. Inspector Hovander spoke with Mr. Humble on October 12, 2009. He indicated that he could have the repairs completed within 30 days.

There was no one present wishing to speak on the property.

Mr. Burgess moved to continue this case until the December, 2009 meeting, seconded by Mr. Vincent. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

6. 311 Leftwich Street – (TMN 25-11-25) – Benjamin A. & Lynn W. Berryhill, Owners – In the Matter of Order to Repair, Alter or Improve the Structure. Continued from the July 14, 2009 Housing Commission meeting. Inspectors Covington & Hovander. (CONTINUED UNTIL DECEMBER, 2009 MEETING)

Inspector Hovander stated that 311 Leftwich Street is a continued case and the property is not part of a duplex or apartment complex. The case is being submitted as less than 50 percent damaged. A title search was completed in January of 2008. The date of the inspection was March 7, 2007 and

all parties were notified by certified mail. The date of the hearing was March 3, 2009. No one appeared for the hearing. The order was issued April 13, 2009 and expired May 13, 2009. The last date of visual inspection was October 9, 2009 by Inspector Hovander. The City did not have to order the building secured. There are children in the area and Aycock Middle School is nearby. There is no history of police complaints and in the opinion of the Inspector the owner has abandoned the intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was October 9, 2009; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information as stated.

Inspector Hovander stated that the interior is gutted down to the wooden framing; there is no electrical, plumbing, mechanical services; cracked, damaged foundation walls; cracks in exterior wall; holes in exterior walls; windows inoperable; rotted boards on exterior walls; unclean/unsanitary ceilings, fixtures, floors, walls; weather permeable exterior wall/siding; window sills rotten. The owner has a building permit and repair work to the foundation wall in the basement is underway. Inspector Sheffield indicated that there have been no inspections on the permit or framing work already done. Load bearing structural members have been repaired and require an inspection before they are covered up. Inspector Hovander confirmed that visible repairs have been made in the past month. This property is located in the Aycock Historic District.

There was no one present wishing to speak on this matter.

Mr. Nimmer moved to continue this case until the December, 2009 meeting, seconded by Mr. Stutts. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

(7) 1114 Moody Street – (TMN 215-3-4) – Michael Ray & Debra H. Hodgins, Owners – In the Matter of Order to Repair, Alter or Improve the Structure. Continued from the August 11, 2009 Housing Commission meeting. Inspectors Covington & Hovander. (CONTINUED UNTIL DECEMBER, 2009 MEETING)

Inspector Hovander stated that 1114 Moody Street is a continued case and the property is not part of a duplex or apartment complex. The case is being submitted as less than 50 percent damaged. A title search was completed in January of 2009. The date of the inspection was October 6, 2008 and all parties were notified by certified mail. The date of the hearing was March 11, 2009. No one appeared for the hearing. The order was issued April 27, 2009. The last date of visual inspection was October 7, 2009 by Inspector Hovander. The City did have to order the building secured and the owner secured it. There are children in the area and Hampton Elementary School is nearby. There is no history of police complaints and in the opinion of the Inspector the owner has abandoned the intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was October 7, 2009; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information as stated.

Inspector Hovander stated that there was a fire inside the house. The list of violations include exterior property or premise unclean/unsafe; exterior stairways, decks, porches, or balconies in disrepair; exterior structural members deteriorated; exterior structure in disrepair, structurally unsound or unsanitary; exterior surfaces not maintained in good condition; interior landing in unsound condition or disrepair; interior stair in unsound condition or disrepair; interior structural members unsound, incapable of supporting loads; interior structure in disrepair and unsanitary; interior surfaces cracked or with loose plaster; roof and flashing shall be sound, tight, and not admit rain; roof drainage shall prevent dampness or deterioration in walls or interior structure; roof drains, gutters or downspouts in disrepair and obstructed; a permit is needed before any work can be started. The owner did secure a building permit. Inspector Sheffield met with the homeowner and told him what needed to be done to the interior of the property. Inspector Allen Williams has passed the exterior rough and the owner is currently putting on the siding. The owner installed new windows along with flashing.

Chair Standley asked if there was any one present wishing to speak on this matter.

Michael Hodgins, 4404 Oakmore Drive, is the owner of the property. He is proceeding with the siding installation and is trying to complete the exterior of the home. The windows have been replaced with the correct ratings and there are new exterior doors. He updated Commissioners on plans to complete the interior of the property. He hopes to be completed with the exterior within a month. The heating and air conditioning should also be finished within this time. He stated that he is trying to repair the property as fast as he can.

Mr. Vincent moved to continue this case until the December, 2009 meeting, seconded by Mr. Burgess. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

(8) 604 Summit Avenue – (TMN 27-6-2) – Mindy J. Zachary, Owner – In the Matter of Order to Repair or Otherwise Demolish Structure. Continued from the March 13, 2007; June 12, 2007; August 14, 2007; September 11, 2007; October 9, 2007; November 13, 2007; January 8, 2008; July 8, 2008; January 13, 2009; and July 14, 2009 Housing Commission meetings. Inspectors David Jones & Hovander. (CONTINUED UNTIL FEBRUARY, 2010 MEETING)

Inspector Hovander stated that 604 Summit Avenue is a continued case and the property is not part of a duplex or apartment complex. The case is being submitted as initially over 50 percent damaged. A title search was completed on the property. The date of the inspection was July 6, 2006 and reinspected September 20, 2006. All parties were notified by certified mail. The date of the hearing was January 10, 2007. The owner attended the hearing. The order was issued January 10, 2007 and expired February 26, 2007. The last date of visual inspection was October 12, 2009 by Inspector Hovander. The City did not have to order the building secured. There are no children in the area and there is no school nearby. There is a history of police complaints and in the opinion of the Inspector the owner had abandoned the intent to repair the property.

Chair Standley asked if there was any one present wishing to speak on this matter.

Mindy Zachary, 604 Summit Avenue, is the owner of the property. She updated the Commission on plumbing items remaining to be done. The brickwork has been completed and concrete has been poured although there are steps that remain to be completed. Outdoor work has been done and the entire front house has been replastered and primed. The interior trim has been put back and the rear house has been painted. Remaining items include bathroom fixtures, getting the plumbing final, finishing the balance of the windows and floors, and installing the two balustrades around the top of the two large porches in the front of the house. Ms. Zachary felt that the project was 90 percent

finished, and she hoped the project would be completed by the end of the year barring any unforeseen circumstances.

Chair Standley moved to continue this case until the February, 2010 meeting, seconded by Mr. Burgess. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

(9) 1009 Pichard Street – (TMN 130-15-7) – Timothy L. & Gail R. Hatcher, Owners – In the Matter of Order to Repair or Vacate and Demolish Structure. Inspectors Covington & Harrington. (CONTINUED UNTIL DECEMBER, 2009 MEETING)

This is a new case that was moved to the end of the agenda to accommodate the owner's schedule.

Inspector Hovander stated that 1009 Pichard Street is not part of a duplex or apartment complex. The case is being submitted as less than 50 percent damaged. A title search was completed in February of 2009. The date of the inspection was February 3, 2005 and all parties were notified by certified mail. The date of the hearing was March 19, 2009. No one appeared for the hearing. The order was issued May 20, 2009 and expired June 19, 2009. The last date of visual inspection was October 9, 2009 by Inspector Hovander. The City did not have to order the building secured. There are children in the area and Dudley High School is nearby. There is a history of police complaints and in the opinion of the Inspector the owner has abandoned the intent to repair the property.

Counsel Williams asked Inspector Hovander if the video being shown was a fair and accurate representation of the property; if all parties of interest were properly served with all Orders, Notices, and Complaints issued in this matter; the last date the property was visited was October 9, 2009; this property is not a duplex; and there are more than five separate types of violations of any of the Minimum Standard Housing Codes. Inspector Hovander stated that she agreed with all the information as stated.

Inspector Hovander stated that the list of violations includes bedroom door, installed, missing; broken glass pane; doors inadequately screened; electrical power not on at time of inspection; flooring worn through; heating system unworkable; holes in ceiling; inoperable UL listed smoke detector; leaking roof covering; loose sheetrock on ceiling; make windows operable; porch floor, repair or replace; privacy lock missing from required interior door; rotted porch posts/railings/guards; rotten porch ceiling; weather permeable window; windows inadequately screened.

Chair Standley asked if there was any one present wishing to speak on this property.

Timothy Hatcher, 1434 Alamance Church Road, informed the Commission that the property is in the process of being repaired. He estimated that all of the violations should be repaired within a month.

Mr. Burgess moved to continue this case until the December, 2009 meeting, seconded by Mr. Vincent. The motion was unanimously approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

REQUESTS TO RESCIND:

Mr. Burgess moved to rescind the following items, seconded by Mr. Vincent. The motion was approved 5-0. (Ayes: Standley, Vincent, Nimmer, Stutts, Burgess. Nays: None.)

10. **1000 Inverness Court – (TMN 483-1-86) – Wells Fargo, Owner – HCR recorded 6/18/2009, book 7026, page 1978-1979, Repaired by Owner. Inspector Hovander.**
11. **1204 Willard Street --- (TMN 195-12-5) – Fannie Mae B. Weatherly, Owner – HCR recorded 6/18/2009, book 7026, page 1980-1981. Repaired by Owner. Inspector Hovander.**

ADJOURN:

Chair Standley advised members that there will not be a November meeting of the Minimum Housing Commission. The next meeting will be held in December, 2009.

There being no further business before the Commission the meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Larry Standley, Chairman
Greensboro Minimum Housing Commission

LS:sm/jd